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FOR COURT USE ONLY

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AUG 13 2014

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY deramus DEPUTY CLERK

Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA- SANTA ANA DIVISION**

In re:

Alfredo Andrade

Teresa Banda

Debtor(s).

CASE NO.: 8:14-bk-12038-TA

CHAPTER: 13

**ORDER CONFIRMING
AMENDED CHAPTER 13 PLAN**

DATE: July 24, 2014
TIME: 1:30 PM
COURTROOM: 5B
PLACE: 411 West 4th Street
Santa Ana, CA 92701-4593

The Chapter 13 Plan or last amended plan, if any (the "Plan") of debtor(s), was filed on 4/23/14.

The Plan was served on the creditors pursuant to Rule 3015 of the Federal Rules of Bankruptcy Procedure. The debtor(s) appeared and was/were examined at a meeting conducted pursuant to 11 U.S.C. § 341(a). The court finding that the Plan meets the requirements of 11 U.S.C. §1325, IT IS ORDERED AS FOLLOWS:

The Plan is hereby confirmed, with the following provisions:

1. Plan payments:

- a. ☒ The amount of each monthly plan payment is \$447.09. The due date is the 1st day of each month for 60 months. The Plan provides for the payment of 0% of allowed claims for general unsecured creditors.
- b. ☐ The amount of each monthly plan payment is for months to . For months to , the monthly plan payment is . For months to , the monthly plan payment is . The due date is the day of each month. The Plan provides for the payment of % of allowed claims for general unsecured creditors.

2. Confirmation of the Plan is without prejudice to the rights of secured creditors with respect to post-petition defaults by the debtor(s).

3. Other provisions:

- a. ☒ This is a base plan with the debtor(s) paying at least \$26,825.40 of disposable income into the Plan. The debtor(s) shall submit statements of income on an annual basis to the Trustee, which income shall be reviewed by the Trustee who may petition the court to increase the monthly plan payment for cause until such time as all allowed unsecured creditors, to the extent they are to be paid during the term of the Plan, are paid 100%. The Trustee may increase the dividend paid allowed claims until the full amount of the plan base stated in this paragraph has been paid by the debtor(s) or the claims have been paid in full without further notice or order from the court.
- b. ☒ The Trustee is authorized to make payment to holders of secured claims based on the Plan. However, a filed claim will control the amount owed the creditor, unless an objection is filed, whether that amount is more or less than the amount provided by the Plan.
- c. ☒ Counsel for debtor(s) is awarded fees of \$4,000.00; having previously received \$1,500.00, counsel is entitled to payment of \$2,500.00 from the estate.
- d. ☐ See attachment for additional provisions incorporated in this Order.
- e. ☒ Interlineations:

Confirmation is without prejudice to debtor(s) right to object to any claim filed in this case, either pre or post confirmation. This is a base plan with all tax refunds pledged into the plan for the duration of the plan. The plan base is set out in provision 3.a. of this order. Debtor(s) will object to the claim filed by creditor Ally Financial or obtain an amended claim from the creditor within 90 days from confirmation. Debtor(s) are surrendering any interest in the property securing the lien of creditor Capital One and granting relief from stay to that creditor to enforce its state rights as to the property [2012 Yamaha quad] securing its lien.

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Date: August 13, 2014



Theodor C. Albert
United States Bankruptcy Judge